

APPENDIX J

NEPA / SECTION 404

CONCURRENT PROCESS



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

JUL 29 1999

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Branch

John P. Rieger
California Department of Transportation
District 11
PO Box 85406
San Diego, California 92186-5406

Dear Mr. Rieger:

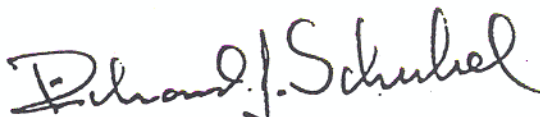
Reference is made to your letters of May 28, 1999 and June 24, 1998, regarding Corps regulatory jurisdiction over irrigation canals operated by the Imperial Irrigation District in the vicinity of Brawley, Imperial County, California. Your inquiry relates to various Caltrans highway projects, including the proposed Brawley Bypass, which may require realignment of several such canals to accommodate construction of new and/or improved roadways.

Based on a review of Corps' policy, previous permit actions in the area and information provided by your office, we have determined that the canals in question are exempted from Corps regulation under Section 404 of the Clean Water Act. Activities that would result in a discharge of fill within these existing canals, for such purposes as realignment, do not require a permit from our office. The Corps concurs with the findings of the delineation report prepared by Tierra Environmental Services and dated July 7, 1997.

Please be advised that this determination does not exempt construction of new canals or drainage ditches with existing waters of the United States or adjacent wetlands. In addition, natural channels that are not used solely for the purpose of irrigation or agricultural drainage may not be exempt from Corps jurisdiction. The Corps reserves the right to review such determinations on a case by case basis.

If you have any questions, please contact Antal Szijj of my staff at (909) 794-7704. Please refer to this letter and 972000500-AJS in your reply.

Sincerely,


Richard J. Schubel
Chief, Regulatory Branch

DEPARTMENT OF TRANSPORTATION

DISTRICT 11, P.O. BOX 85406, SAN DIEGO 92186-5406
(619) 688-6754
(619) 688-3192



August 17, 1999

11-IMP-78,111
PM L7.2-L15.7, 20.8-24.7
EA 167820
Brawley Bypass
97-20005-TCD
972000500-AJS

Antal Szijj
Army Corps of Engineers
Seven Oaks Dam Resident Office
32330 Santa Ana Canyon Rd.
Highland, CA 92346

Dear Mr. Szijj,

The California Department of Transportation (Caltrans) has been working with your agency regarding the proposed construction of a four-lane divided expressway from State Route 86, northwest of Brawley, to State Route 111, southeast of Brawley. The project is located in Imperial County and is referred to as the Brawley Bypass.

Caltrans was seeking an Individual Army Corps Permit pursuant to the NEPA EIS-404 Permit Concurrent Process and MOU. A Wetland Delineation Report prepared by Tierra Environmental Services, dated July 7, 1997, was verified by Richard Schubel of the Army Corps, letter dated July 29, 1999 (see attached). The jurisdictional impacts identified in that report (less than 1 acre) will qualify for a Nationwide Permit.

Caltrans is therefore terminating the NEPA EIS-404 Permit Concurrent Process for this project. If you have any questions, please contact Tracy DePue of my staff at (619) 688-3207.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. Rieger".

JOHN P. RIEGER, Manager
Environmental Stewardship Branch

Attachment

bcc: SGlasgow/CRobinson
CWhite/BApril
RCarlin/VMady
JHull

Similar letters sent to:

Sheryl Barrett of Fish and Wildlife Service
David Carlson of Environmental Protection Agency
Jeff Lewis of Federal Highway Administration